

BOARD OF SELECTMEN

Minutes of the Meeting of 15 September 2005 at 4:00 PM. The meeting took place in the Nantucket High School Cafeteria, 10 Surfside Road, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Bruce Watts, Whiting Willauer, Michael Glowacki and Brian Chadwick. Chairman Glowacki called the meeting to order at 4:15 PM following a meeting of the Board of Health.

Pending Contracts. Chairman Glowacki noted that the pending contract would be considered following the public hearing on Special Assessments for Siasconset Sewer District.

Public Hearing to Consider Special Assessments for Siasconset Sewer District (continued from July 21, 2005). Town Administrator Libby Gibson provided background and introduced panel of participants DPW Director Jeff Willett, Earth Tech representatives John Daniels and Tom Parece and Finance Director Connie Voges. The panel addressed issues and questions posed via letter by the Siasconset Civic Association. Mr. Bennett spoke in support of a Sconset Sewer Commission. Finn Murphy, a member of the SCA's Sconset Sewer Committee, voiced support of engaging consultant Mark Abrahams and indicated a cost sharing possibility. Island residents John McLaughlin and Larry Whelden inquired about fees per residential unit. Mr. Murphy asked about the possibility of special legislation pertaining to sewer fees. Discussion followed. Chairman Glowacki closed the public hearing and reviewed the Town Administrator's recommendation. Mr. Watts moved to adopt the recommendation that the contract with Mr. Abrahams proceed and a course of action be determined following receipt of his report in three months. Mr. Chadwick seconded. So voted unanimously. Mr. Watts excused himself from the meeting at 4:50 PM and did not return.

Public Hearing to Review Applications for Committee Vacancies. Chairman Glowacki noted the nonbinding "Rector Rule" and current committee vacancies of Human Services Contract Review (1), Commission on Disability (1) and Cultural Council (2). As Joan Ottinger, the only applicant respondent was not present, the Board consented to carry the matter forward to the September 28, 2005 meeting.

Public Hearing to Consider Application for Automatic Amusement Device License of The Brotherhood of Thieves Restaurant Management Group, LLC d/b/a The Brotherhood at 23 Broad Street. Restaurant owner Larry Whelden spoke in favor of the application for two pool tables upstairs in the winter months. Joanne Marcoux, manager of the abutting Noblitt Inn, shared concerns about noise and "change in flavor of the family restaurant." Attorney Sarah Alger, representing Noblitt Inn owner Dollie Noblitt, requested denial of the application or alternatively, a time restriction if granted. Restaurant partner EJ Harvey spoke in support of the application. Chairman Glowacki closed the public hearing. Mr. Bennett moved to have parties work to some agreement. Discussion followed. Mr. Bennett withdrew his motion. Mr. Chadwick moved to issue the license with use restriction of January 1 through April 15 to be reviewed before any subsequent renewal. Mr. Bennett seconded. So voted unanimously.

Public Hearing to Consider Application of Nantucket Memorial Airport for Public Assembly Permit for Nantucket Educational Air Program Fly In and Classic Car Jam Scheduled for September 17, 2005 at Nantucket Memorial Airport. Chairman Glowacki invited anyone in favor of the application to speak; Caroline Reilly of ACKtivities, coordinator of the event, did so. Chairman Glowacki invited board comments, but there were none. Chairman Glowacki invited anyone opposed to the application to speak. There being no one, Chairman Glowacki closed the public hearing. Mr. Chadwick moved to approve the application; Mr. Bennett seconded. So voted unanimously.

Public Hearing to Consider Transfer of Seasonal All Alcoholic Beverages Restaurant License and Common Victualler License from Catchit Corporation d/b/a Cambridge Street to Walk the Dog, LLC d/b/a Cambridge Street Victuals, Patricia A. Gallen, Manager, for Premises Situated at 12 Cambridge Street. Chairman Glowacki invited anyone in favor of the application to speak; proposed manager Trish Gallen did so on behalf of herself and partners. Current owner Brandt Gould also spoke in support. Chairman Glowacki invited board comments, but there were none. Chairman Glowacki invited anyone opposed to the application to speak. There being no one, Chairman Glowacki closed the public hearing. Mr. Bennett moved to approve the application; Mr. Chadwick seconded. So voted unanimously.

Public Hearing to Consider Application for Fuel Storage License of Nantucket Propane, Inc. for Six (6) Two Thousand (2000) Gallon Underground Propane Storage Tanks for Premises at 8 Park Circle, Nantucket, Massachusetts. Chairman Glowacki invited anyone in favor of the application to speak; Nantucket Propane President John Stackpole, did so. Chairman Glowacki invited board comments, but there were none. Chairman Glowacki invited anyone opposed to the application to speak. There being no one, Chairman Glowacki closed the public hearing. Mr. Chadwick moved to approve the application; Mr. Glowacki seconded. So voted unanimously.

Public Hearing to Consider Amending the Landfill Fee Schedule. Ms. Gibson noted that at the August 17, 2005 meeting, the Board of Selectmen scheduled this hearing to consider increasing the per ton fee for mixed C & D waste in anticipation of increased costs due to the decreasing available landfill space and pending Department of Environmental Protection regulations on construction and demolition waste processing. She noted an earlier change in law that necessitated Waste Options' dealing with C & D waste and explained that the proposed landfill fee increase is in anticipation of another expected change in law prohibiting wood from the landfill and would pay the costs of shipping the C & D material off-island. Waste Options President Charles Gifford stated that Waste Options would acquire needed equipment and Chairman Glowacki noted that the increased fees would go toward transporting the processed material. Patty Santos of Santos Rubbish spoke in opposition to the fee increase. Finance Committee member Rick Atherton noted a major change in procedure and encouraged further study of the implications and overall impact. Resident Nat Lowell raised issues about DEP directives. Discussion followed on the waste stream, wood separation requirements, cost of shipping factors and the contract. Mr. Chadwick sought clarity on the DEP change affecting the fee, the mining of cells to make space available, and the fee figure itself. Mr. Gifford noted that the fee increase would go toward

transport of mined materials, not the mining activity already covered by the Waste Options contract. Whitney Hall of Waste Options noted that a recommendation of transportation/disposal options will be provided for Board consideration as restrictions such as mandatory separation will affect costs. Discussion followed on contract review. Town Counsel Paul DeRensis suggested delay of decision so as to educate the Board on options and the provisions of the contract. Mr. Chadwick moved to continue the hearing to September 28, 2005. Mr. Willauer seconded. So voted unanimously.

HDC APPEALS

Public Hearing to Hear Appeal of John Brazilian of Historic District Commission Certificate of Appropriateness No. 46,505 for Approval to Construct a New Dwelling on Premises Situated at 30 Codfish Park Road, Siasconset, Massachusetts. Chairman Glowacki reviewed the appeal procedure. Appellant John Brazilian spoke on his own behalf, requesting a remand as assented to by the appellee back to the HDC based on his belief that notification had been improper. HDC chairman Dirk Roggeveen noted HDC has not assented to remand, indicating notice obligations had been fulfilled and that a procedure is in place for the appellee to nullify application if desired. Discussion followed. Chairman Glowacki closed the public hearing. Mr. Chadwick moved to uphold the HDC certificate of appropriateness No. 46,505 and to find that the HDC did not act arbitrarily, capriciously or inappropriately. Mr. Willauer seconded. So voted unanimously.

Public Hearing to Hear Appeal of Fish Line Realty Trust of Historic District Commission Certificate of Appropriateness Nos. 46,473 and 46,474 with Regard to Premises Situated at 5 Spring Street, Nantucket, Massachusetts. Chairman Glowacki reminded those present of the appeal procedure. Attorney Bruce Gilmore spoke on behalf of Ed Murphy of Fish Line Realty Trust. He noted that there are no allegations of arbitrary, capricious, or inappropriate behavior, but that the HDC did not act within the allotted 60-day timeframe. HDC Administrator Mark Voigt noted the establishment of deadlines and guidelines and clarified the materials acceptance process. Board discussion followed. Attorney Gilmore spoke in response, noting his interpretation of the receipt date as the start time. Mr. Roggeveen spoke in further support of the acceptance date definition and receipt mechanism, noting the deadline date for materials receipt for scheduled agendas is the start date. Mr. Chadwick moved to uphold the HDC ruling. Mr. Willauer seconded. Mr. Chadwick, Mr. Willauer and Chairman Glowacki voted in favor. Mr. Bennett was opposed.

The meeting adjourned at 6:50PM.

Approved the 28th day of September 2005.